

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Tina Marie Borges-Druth,

Chapter 13
Case No. 16-12863

Debtor,

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**AFFIRMATION IN OPPOSITION TO DITECH FINANCIAL, LLC'S MOTION TO LIFT
THE AUTOMATIC STAY**

William W. Waldner, Esq., an attorney duly authorized to practice law before the Courts of the State of New York, hereby affirms the following to be true:

1. Debtor owns investment property located at 52 Memorial Boulevard West, Newport, RI 02840-3303 (the "Property").
2. Debtor executed a mortgage on the Property on September 16, 2006 in favor of America's Wholesale Lender (the "Mortgage").
3. Section 3.5 of Debtor's Amended Chapter 13 Plan dated December 20, 2017 pays off the entire secured value of the mortgage plus 6.5% over the life of the chapter 13 plan.
4. On March 1, 2018, this Court signed an order pursuant to 11 USC 506(a) fixing the value of the mortgage to \$335,000(the "Order").
5. The Order allows the Debtor to pay the mortgage at 6.5% interest over the life of the plan.
6. As such, no payments are due on the mortgage while this case is pending. At the expiration of this case the Debtor will own this property free and clear of the mortgage (Claim #4).
7. Because of the Court's Order Ditech's motion to lift the automatic stay is now moot and should be denied in it's entirety.

Wherefore, based upon the foregoing, the instant motion should be denied with such other further relief as this Court may deem just and proper.

Dated: March 13, 2018
New York, New York

/s/ William Waldner
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